

JUNIOR COLLEGE DISTRICTS:  
ANNEXATIONS:  
SCHOOL DISTRICTS:

When the boundaries of a public school district which is a component of a junior college district are changed then the boundaries of the junior college district are also changed automatically to coincide with the new boundaries of the component school districts.

OPINION NO. 97 - 1967

November 24, 1967



Honorable Alden S. Lance  
Prosecuting Attorney  
Andrew County  
415 West Main Street  
Savannah, Missouri 64485

Dear Mr. Lance:

This official opinion is rendered in response to your request.

Your question is based upon the following facts: a junior college district has been formed. A public school district known as R-III is one of the component districts making up the junior college district. A six-director public school district adjoining R-III is considering annexation to the R-III school district. You ask, "If this annexation were to be accomplished, would the annexing district automatically become part of Missouri Western Junior College District?"

We find no provision in either the laws governing school districts or those governing junior college districts which expressly provides for the situation that you have presented. Indeed one might doubt, after reading the Junior College District Laws, that the General Assembly took cognizance of the effects of changes in school districts upon the boundaries of the junior college district. However, a reading of the Junior College District Laws as a whole manifests a legislative design that junior college districts be composed only of whole school districts and not parts of school districts.

The opening provision of the law regarding organization of the districts, Section 178.770, RSMo Supp., 1965 states, "In any public school district, or in any two or more contiguous public school districts in this state, whether in the same county or not, the voters resident therein may organize a junior college district in the manner hereinafter provided." From this it is clear that a junior college district can be organized only from whole public school districts.

Sections 178.800, 178.810 and 178.840 speak repeatedly of "component school districts."

Section 178.820 in providing for the election of trustees of the district provides for both at-large trustees and trustees elected from certain component school districts.

Section 178.790, provides:

"The boundaries of any junior college district organized under sections 178.770 to 178.890 shall coincide with the boundaries of the school district or of the contiguous school districts proposed to be included, and the junior college district shall be in addition to any other school districts existing in any portion of the area."

Although there may be some doubt as to whether or not this statute is intended to refer to the boundaries only at the time of organization nevertheless we believe that it strongly indicates that the legislature intended the boundaries of a junior college district to coincide with the boundaries of the component school districts at all times.

We are of the opinion that when the boundaries of a public school district, which is a component of a junior college district, are changed by annexation or other procedures, that change automatically changes the boundaries of the junior college district to coincide with the new boundaries of the component district.

We note that Section 178.890 provides for the annexation of entire school districts to an adjoining junior college district. This statute is not inconsistent with the interpretation we have here adopted. Under our interpretation a school district annexing to another school district would automatically become part of a junior college district. Under Section 178.890, the school district could annex to the junior college district for junior college purposes only and not annex to any of the component school districts.

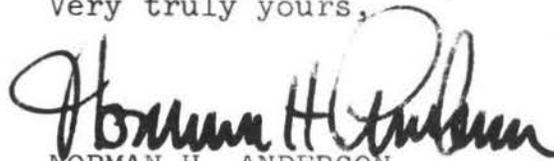
A proposal to amend the Junior College District Laws regarding boundaries was submitted to the Seventy-fourth General Assembly. Senate Bill No. 273 proposed to amend Section 178.790 by adding the following sentence, "In the event that there shall be any change in the boundaries of any component school district by any method provided by law, the originally established boundaries shall not be affected by any changes in the boundaries of the component school district after the organization of such junior college district." The legislature failed to enact this amendment. The fact that such an amendment was proposed but not approved by the legislature would further indicate that the legislature intended junior college districts to be composed only of entire school districts.

CONCLUSION

Therefore, it is the opinion of this office that when the boundaries of a public school district which is a component of a junior college district are changed, then the boundaries of the junior college district are also changed automatically to coincide with the new boundaries of the component school districts.

The foregoing opinion which I hereby approve was prepared by my assistant, Louis C. DeFeo, Jr.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Norman H. Anderson".

NORMAN H. ANDERSON  
Attorney General